

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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February 11, 2005

Ms. Pat McClenahan
BLM Anchorage Field Office
6881 Abbott Loop Road
Anchorage, AK 99507

RE: Bay Area Resource Management Plan and Environmental Impact Statement,
Agency Scoping Comments

Dear Ms McClenahan;

The State of Alaska appreciates the opportunity to offer comments and provide information in support of preparation of the Bureau of Land Management (BLM), Bay Area Resource Management Plan/Environmental Impact Statement (RMP/ EIS) pursuant to 43 CFR 1610.3-1. The planning area addresses approximately 3.6 million acres of BLM managed lands in the Bristol Bay and Goodnews Bay areas of Alaska.

The planning effort covers a large area with many unique characteristics and concerns as well as many valuable resources. We recognize that the RMP is a land use decision-making document that provides overall guidance for management decisions in this extensive area and as a result many of the State's comments will be somewhat general in nature.

GENERAL MANAGEMENT ISSUES:

State Planning Efforts and Management Responsibilities

The Alaska Department of Natural Resources has the primary management responsibility for management of state lands including the land, water, tidelands, and shore lands of navigable waters within the state. This authority includes navigable waters, tidelands, and shore lands within the exterior boundary of federal lands, including Conservation System Units (CSU's) created under the Alaska National Interest Lands Conservation Act.

The Department of Fish and Game serves as the primary agency responsible for management of fish and wildlife on all lands in Alaska regardless of ownership. Clarification of this role and a commitment to cooperate in related matters is addressed in the Master Memorandum of Understanding between the Bureau and the Department. The State requests that the respective roles and a BLM commitment to cooperation in issues that affect each other's responsibilities be fully recognized in the plan. Specifically, the state requests that the plan and planning process fully recognize the state's authorities that overlay BLM's land management responsibilities.

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

We appreciate BLM's stated intent, consistent with direction provided in 43 CFR 1610.3-2, to make the Bay Area RMP/EIS compatible or consistent with State or local land use plans that address lands adjacent to BLM's. Many parcels in the planning area are state selected. It is in the public interest that the management transition be as seamless as possible when conveyance occurs. The State therefore requests that the planning process avoid making decisions that unnecessarily encumber state selected lands. Even prior to conveyance, BLM management intent for selected parcels should be as consistent as possible with state management intent. Under ANILCA 906(k), the State must concur with authorizations on state-selected lands. State concurrence is based on DNR planning documents as well as other state policies, regulations and statutes that address selected parcels.

While BLM retains management responsibility for selected lands, the State requests that the appropriate Native corporation and/or the State of Alaska be contacted, and their views considered, prior to implementing a more specific management program or issuing a permit involving these lands. In addition, any fees collected for special use or right-of-way permits should be held in escrow until the selected lands are conveyed or relinquished, consistent with ANILCA Sec. 906(k)(2).

We also ask that BLM carefully review DNR area and management plans that address BLM lands that are state selected and topfiled. Area and management plans include decisions on how state selected lands are to be managed when they are conveyed. Of particular concern are state-selected lands that have been identified as a high priority for conveyance and are likely to be state owned over the long term. A map depicting state selection priorities is included on the enclosed CD Rom of supporting information and data. The State Conveyance Priority List can be viewed at <http://www.dnr.state.ak.us/mlw/title/index.cfm>. Consistent with 43 CFR 1610.3-2, we expect that the Bay Area RMP/EIS will not develop management intent for these parcels that deviates significantly from the existing DNR land use plans. This is particularly important for those state-selected lands located within legislatively designated areas (LDA's), such as State Parks, Forests, Refuges and Critical Habitat Areas. A complete list of such areas is located at: www.dnr.state.ak.us/landrecords/docs/ldafct97.pdf and is attached for your reference. Some of these LDA's have management plans (listed below) that specify management intent in addition to their enabling legislation, but many others do not.

Direction for management of general state lands is derived from DNR Area Plans. Resource Elements are developed in advance of each Area Plan. Resource Elements describe the resources and uses that occur within planning areas and focus on topics such as fish and wildlife, recreation and tourism, cultural resources, timber, mining, settlement, and transportation.

Management Plans provide more detailed management intent for legislatively designated areas, smaller geographic areas and certain resources. Unlike Area Plans, Resource Elements for Management Plans are generally incorporated into the final plan.

DNR Plans relevant to the Bay Area RMP can be found at the DNR website.
www.dnr.state.ak.us/mlw/planning/index.htm¹

¹ Click on the links at the bottom of the left column for management plans. All area plans and some State Park plans are on line. ADFG plans for the LDA's they manage are not on line.

Areas below have published area or management plans:

Area Plans (ADNR)

- Bristol Bay Area Plan
- Kenai Area Plan

Management Plans (ADNR – Mining Land and Water)

- Nushagak & Mulchatna Rivers Recreation Management Plan

Management Plans (ADNR – State Parks)

- Wood Tikchik State Park Management Plan
- Alaska Recreational Trails Plan
- Statewide Comprehensive Outdoor Recreation Plan – Alaska's Outdoor Legacy

Management Plans (ADFG - State Refuges)

- McNeil River State Game Sanctuary (adjacent to planning area, has two plans a management plan and an operational plan)

Game Management Units

- 9 (B, C, E)
- 16 (B)
- 17 (A, B, C)
- 18 (Z)

Many of the above referenced plans have been provided to the Anchorage Field Office both digitally and in hard copy. The State will be happy to assist BLM with acquisition of any additional documents, associated resource elements, or maps that may be of assistance in this planning effort.

For legislatively designated areas, such as the Bristol Bay Fisheries Reserve and Walrus Island State Game Sanctuary, within the planning area that do not have management plans, management intent can be found in the enabling legislation for each and the policies, regulations and statutes that apply to the DNR or DFG divisions that manage them.

It should also be noted that criteria for the selection of special fishery management areas were adopted into regulation statewide in 1998 in 5 AAC 75.013 under the authority established under the Board of Fisheries AS 16.05.251. Special trout management areas include 19 Catch-and-Release areas, 6 fly fishing only areas, and 26 unbaited single-hook areas. Additional information can be found at the ADF&G website (<http://www.sf.adfg.state.ak.us>). ADF&G Rainbow Management Policies of interest to this area are included on the enclosed CD.

So that BLM planners are better versed on management intent for state lands in and adjacent to the planning area, a brief compilation of the land and resource management tools that the state and municipal governments may apply to public activities involving state land, water, and related use of fish and wildlife resources is attached.

To assist the Bureau in managing habitat in the planning area, information resources developed by the Alaska Department of Fish and Game may prove useful in analyzing fish and wildlife

habitat, distribution, and use within the planning area. Documents that may be of assistance include:

Alaska's Wildlife and Habitat, ADF&G, Jan. 1973.

Alaska Habitat Management Guide, Western and Interior Region Map Atlas, ADF&G, 1986.

Alaska Habitat Management Guide, Southwestern Region Map Atlas, ADF&G, 1985.

Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes – Southwestern Region, ADF&G, 2005.

Link: <http://www.sf.adfg.state.ak.us/FedAidPDFs/sp04-07.pdf>

These documents and other information on fish and wildlife habitat, distribution, and use for each Game Management Unit (GMU) within the planning area are available at local ADF&G offices.

In addition to landowner management plans, we recommend BLM consult and integrate the planning documents of local governments, particularly their coastal management plans. While these plans vary considerably in content and coverage over the range of the Bay Area planning area, many coastal plans include detailed resource inventory and analysis sections.

Additional information about coastal districts, as well as contact information, is available through the Alaska Coastal Management Program in the Department of Natural Resources Office of Project Management and Permitting. The Department of Community and Economic Development maintains another valuable source of detailed community information using an on-line database. This site also contains detailed community profile maps stored in the “Mr.Sid” compression format that may prove useful in reviewing land status and existing infrastructure.

Coastal Zone (<http://www.alaskacoast.state.ak.us>)

Economic Development (<http://www.dced.state.ak.us/>)

Community Database Online (http://www.commerce.state.ak.us/dca/commdb/CF_COMDB.htm)

Attachments

Map: Alaska Coastal Management Program Special Area Plans

Map: Alaska Coastal Zone Districts

Map: State of Alaska, Legislatively Designated Areas, Index Map (lda1040.pdf)

Fact Sheet: State of Alaska Legislatively Designated Areas

Document: Southwest Alaska Rainbow Management Policies

Document: Coastal Zone Definitions

Document: Select State Tools for Managing State Land/Water and Related Public Activities involving Fish and Wildlife Resources (1/03)

Website: Land Records.info (<http://plats.landrecords.info/index.html>)

Access

Maintaining opportunities for access to and use of public lands in the planning area is an important part of the planning process and is a significant concern for the state. The State requests that the Bureau consider the issues discussed in the following sections pertaining to 17(b) easements and trails, RS 2477 trails and section line easements. Addressing these access

issues through the mapping effort associated with this plan will help to minimize trespass problems and assist the public in gaining legal access to public use lands and waters.

RS 2477 Rights-of-Way

The State of Alaska claims numerous roads, trails and paths across federal lands under Revised Statute 2477, a section in the Mining Act of 1866 that states, “The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.” Revised Statute (RS) 2477 was repealed by the Federal Land Policy and Management Act of 1976, subject to valid existing claims. The rules for determining valid claims are still a matter of some dispute.

The State of Alaska has identified a number of routes it believes qualify as RS 2477s throughout the state. Through state legislation, Alaska identified a total of 659 RS 2477s routes as of January 2003. In addition to specific routes, the State of Alaska also claims section line easements under RS 2477. In the absence of specific regulation or law, the validity of all RS 2477 rights-of-way is determined on a case-by-case basis, either through the federal courts or by legally binding agreement of all landowners.

The State requests that all easements and rights-of-way be identified and recognized in this planning effort. We recognize that this does not constitute a final determination but request that BLM work with the state to pursue a recordable disclaimer of interest on the part of BLM for the rights-of-way in this planning area. (Ref: Letter from Governor Murkowski to The Honorable Steve Griles, March 25, 2004)

Attachments:

Map: State of Alaska RS 2477 Trails, March 2001.

Map: State of Alaska, Proposed Access Corridors with Significant Subsurface Mineral Resource Areas.

Map: General Land Status with Mineral Resources & Mining Claims and Historical Transportation Routes, Southcentral, Alaska. 2001. (minrssc8.pdf)

Letter: Governor Murkowski to Deputy Secretary Steve Griles, March 25, 2004.

Section 17(b) of the Alaska Native Claims Settlement Act Easements

Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, authorizes the Secretary of the Interior to reserve easements on lands conveyed to Native corporations to guarantee access to public lands and waters. Easements across Native lands include linear easements (e.g., roads and trails) and site easements. Site easements are reserved for use as temporary campsites and to change modes of transportation. They can be established at periodic points along the course of major waterways flowing through Native lands, along coastal areas, and at junctions of roads and trails. The size, route, and general location of 17(b) easements are identified on maps filed with conveyance documents. Conveyance documents also specify the terms and conditions of use including the acceptable periods and methods of public access.

The State requests that 17(b) trail and site easements be recognized and mapped as part of this planning process so that the public is aware of their location. We hope this will reduce trespass problems and assist the public in gaining legal access to public use areas. In the event that 17(b) easements are proposed for termination, the State requests that interested parties, including the State of Alaska be given adequate public notice and opportunity to participate and comment.

Navigable Waters

Lands beneath tidelands and inland navigable waters were granted to the State of Alaska by the Equal Footing doctrine, the Submerged Lands Act of 1953, and the Alaska Statehood Act of 1958. If water bodies, both inland and marine, were reserved or withdrawn by the Federal government prior to statehood on January 3, 1959, lands beneath these waters may have been retained by the United States. Within this framework, if a water body is navigable, the bed of the river or lake belongs to the State of Alaska. If a water body is not navigable, the bed of the water body belongs to the adjacent landowner(s). Determination of what waters are navigable or non-navigable is an on-going process in Alaska at both the administrative and judicial levels.

The Federal test for determining navigability was established over one hundred years ago in the landmark Supreme Court decision *The Daniel Ball*, 77 U.S. (10 Wall.) 557 (1870), a portion of which reads:

“Those rivers must be regarded as public navigable rivers in law which are navigable in fact and they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways of commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water...”

The State requests that BLM work with the State on specific water bodies to resolve issues concerning ownership and use of rivers, lakes, and streams within BLM owned lands where management conflicts arise. Cooperative management agreements between the BLM, the State of Alaska, and other landowners may be developed when needed for specific waterways within the planning area. In situations where navigability and the ownership of submerged lands are disputed for a specific water body, the final navigability determination authority rests with the Federal courts. However, in order to expedite resolution of this cloud on title, the State requests that BLM work with the State to issue Recordable Disclaimers of Interest to disclaim ownership of the beds of navigable waters that the state acquired at statehood. From the State's perspective, this is an important issue requiring continued attention.

Attachment:

Fact Sheet: Recordable Disclaimer of Interest: State Owned Navigable Waters
(recordable_disclaimer.pdf)

ANILCA Provisions

Within this planning area are many Conservation System Units, The Togiak National Wildlife Refuge, the Becharof National Wildlife Refuge, portions of the Katmai National Park and Preserve, and a portion of Lake Clark National Park and Preserve.

The Bureau must develop the plan in accordance with the provisions of the Alaska National Interest Lands Conservation Act (ANILCA, P.L. 96-487). Provisions of ANILCA important to the Department include Sections 811, 1110(a), and 1316(a), among others.

Section 811 of ANILCA, addressing all federal public lands in Alaska, states that:

“the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation . . . “

ANILCA Section 1110(a) mandates that:

“ . . . the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover . . .), motorboats, airplanes, and non-motorized surface transportation methods for traditional activities . . . and for travel to and from villages or homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units . . . and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use is detrimental to the resource values of the unit or area.”

In addition, Section 1316(a) allows:

“On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities . . . “

Wild and Scenic River Designations and Planning

Portions of the Tlikakila, Chilikadrotna and Mulchatna are already designated Wild and Scenic Rivers. Any additional Wild and Scenic River assessment done for the Bay Area plan must consider the potential land ownership pattern following completion of the state and native conveyances. Virtually all of the rivers previously identified as eligible for the National Wild and Scenic Rivers System by BLM in 1990 are in areas that are state or ANCSA selected. Therefore, it is unlikely that any rivers in the planning area are suitable for Wild and Scenic River designation.

Wilderness Studies

The State requests that BLM adhere to the policy set forth in the Memorandum from Secretary of the Interior, Gale A. Norton to the Director of the Bureau of Land Management dated April 11, 2003 and reiterated in a letter to Governor Frank H. Murkowski, also dated April 11, 2003 which states:

“Therefore, I instruct BLM to consider specific wilderness study proposals in Alaska, as part of any new or revised resource management planning effort, if the proposals received have broad support among the State and Federal elected officials representing Alaska. Absent this broad support, wilderness should not be considered in these resource management plans.”

At this time it is clear that there is a lack of broad support for further wilderness proposals. In the event that any such proposal is considered, the State requests that there be additional

consultations with the state and that any areas proposed for Wilderness designation be managed consistent with the special provisions of ANILCA that amend the Wilderness Act of 1964.

Attachments:

Correspondence: Gail Norton, April 11, 2003.

Subsistence

BLM lands in the planning area that are located near rural communities have been and are being used for subsistence purposes, and provide important habitat for resources used for subsistence purposes. At a minimum and when information is available, the plan should document and describe subsistence use patterns in local communities located near BLM lands, including but not limited to: Aleknagik, Clark's Point, Dillingham, Ekuik, Ekwok, Igiugig, Iliamna, King Salmon, Kokhanok, Koliganek, Levelock, Manokotak, Naknek, Nondalton, Pedro Bay, Platinum, Pope-Vannoy Landing, Portage Creek, Port Alsworth, Quinhagak, South Naknek, Stuyahok, Togiak, and Twin Hills.

Subsistence activities by several communities located outside of, but near the planning area, may be affected by planning decisions made for lands within the planning area, and should also be given consideration in the planning process. These communities include, but are not limited to: Bethel, Lime Village, Sleetmute, Egegik, Pilot Point, and Ugashik. Descriptions presented for each community that uses or has used BLM lands for subsistence activities should include, but not be limited to: Specific geographic areas involved and the extent of use for particular seasonal harvest activities (vs. other lands), species harvested, seasonality of use, and how the area is accessed for subsistence harvest activities. When documentation is incomplete or unavailable for communities known to conduct subsistence activities on BLM lands, the Bureau should consider funding research projects to document subsistence use patterns in these communities. We encourage the BLM planners to consult the Division of Subsistence Technical Paper Series for detailed information about subsistence land use patterns for communities in the planning area. BLM can review these reports online at:

<http://www.subsistence.adfg.state.ak.us/geninfo/publctns/subabs.cfm?region=sw>

References:

Subsistence Technical Paper Series

<http://www.subsistence.adfg.state.ak.us/geninfo/publctns/techpap.cfm>

Community Profile Database

<http://www.subsistence.adfg.state.ak.us/geninfo/publctns/cpdb.cfm>

Water Rights

In general, water on BLM lands is subject to the "Water Use Act". The Department of Natural Resources shall determine and adjudicate rights in the water of the state, and its appropriation and distribution. The State of Alaska functions within the prior appropriation doctrine which allows the first appropriator of water a priority right to use water over subsequent appropriators on a "first in time, first in right" basis. A priority date is established at the time of application. On some BLM lands the state may recognize a Federal Reserve Water Right (FRWR), but only on those BLM lands where Congress or the President withdraws lands from the public domain for a specific purpose(s) (Wild and Scenic Rivers). All other BLM lands are considered part of the public domain and are not subject to FRWR. Unless otherwise specified by Congress, FRWR covers only the minimum amount of water necessary to fulfill the primary purpose of the

land withdrawal. FRWR are implied until proven. Upon adjudication by the state, the priority date of a FRWR is the date the federal land was withdrawn from the public domain, and are then incorporated into the state water right system.

State Transportation Planning

Federal transportation planning regulations require each state to develop a long-range statewide transportation plan in consultation and coordination with other governmental agencies and the public. The State requests that BLM consider State transportation planning policies and documents relevant to the Bay Area RMP planning area. State transportation plans relevant to the Bay Area RMP include:

- Vision 2020, the Statewide Transportation Policy Plan
- Southwest Alaska Transportation Plan
- Yukon-Kuskokwim Delta Transportation Plan
(<http://www.dot.state.ak.us/stwdplng/areaplans/index.shtml>)

It should be noted that The Industrial Roads Program, also known as “Roads to Resources,” began in March 2003 and includes the Pebble Gold-Copper Port and Road effort. Information about the Industrial Roads Program can be found on the DOT website (<http://www.dot.state.ak.us>) and is indicative of the State’s interest in enhancing access and resource development. A December 2004 Status Report is included for your review.

The State of Alaska Department of Transportation (DOT) is also responsible for state airports, transportation corridors, and the ferry system. We request the plan address potential airport expansion for both economic development and for runway expansion as population centers continue to grow and air travel needs of rural communities continue to expand, as well as access roads to such existing and future facilities. Of particular importance in this rural planning area are transportation corridors for resource development, rural airports, and harbors and docks.

The Aviation Improvement Program (AIP) makes federal funds available to the State for airport planning and construction projects. Most of the federal dollars spent in the more rural parts of this planning area fall into this category. The state therefore requests the plan support rural airport enhancements and/or expansion where needed for community and economic development.

Of particular interest to the State Department of Transportation in this planning area are the following issues:

1. Material sites – Adequate material sites should be made available where required for existing and future state and local roads and airports.
2. Aircraft landing areas on BLM lands commonly used by the public should be identified and, where not in conflict with land use designations, permitted by the plan.
3. Provision for access designed to enhance resource development opportunities.
4. The plan should recognize the state’s need for future upgrading, realignment and expansion of its transportation system.

Attachments:

Vision: 2020 Statewide Transportation Policy Plan w/ addendum
Southwest Alaska Area Transportation Plan (Revised)
Yukon-Kuskokwim Delta Transportation Plan

Alaska Dept. of Transportation and Public Facilities Industrial Ports and Roads Program, Status Report December 2004 (Page 12).

Utility Corridors

The State requests that BLM consider the necessity of providing for the development of utility corridors, including corridors for the transport of oil and gas, as well as transportation corridors to support future economic growth in the Bay Area.

Attachments:

Map: State of Alaska, Proposed Access Corridors with Significant Subsurface Mineral Resource Areas.

Map: Corridor Priorities for State Ownership, State Land Selection Project. 1994. (corr0395.pdf)

Coastal Zone Consistency

The Coastal Zone Management Act of 1972, as amended (PL 92-583), directs federal agencies conducting activities within the coastal zone or that may affect any land or water use or natural resources of the coastal zone to conduct these activities in a manner which is consistent “to the maximum extent practicable” with approved state management programs.

The Alaska Coastal Zone Management Act of 1977, as amended, established policy guidance and standards for the review of projects within or potentially affecting Alaska’s coastal zone. In addition, specific policies on activities and uses of coastal lands and water resources within coastal resource districts have been developed. Most incorporated cities, municipalities, and boroughs, as well as unincorporated areas (coastal resource service areas), within the coastal zone have State-approved coastal management programs.

(<http://www.alaskacoast.state.ak.us/Explore/Tour.html>)

The State requests that BLM consider approved Coastal Management plans and policies when developing recommendations for BLM lands within a Coastal Zone area. It should be noted that coastal zone management plans are being revised to comply with new regulations and currency of documents should be verified.

SUBSURFACE:

BLM is responsible for management of the federal subsurface mineral estate. This includes subsurface lands under other federal agency management units, and in some cases under lands where the surface is privately owned. Resource development is a priority of the State. In the Bay Area Planning Area the State requests that BLM consult with the State Department of Natural Resources before taking any actions that could potentially negatively impact resource development on State or State-selected lands. A general description of ongoing resource development activities follows.

Oil and Gas Leasing

At the request of the local governments and local Native tribes and organizations, the State is encouraging oil and gas development in the region and would appreciate the opportunity to specifically review and comment on any proposed actions that may limit or discourage exploration and development in this area.

The state is currently conducting a best interest finding process to determine whether to hold an Alaska Peninsula Areawide Oil and Gas Lease Sale in October 2005. The southern tip of the planning area overlaps the proposed lease sale boundary. In an areawide sale, the state will annually offer for lease all remaining available state acreage within the lease sale area. More information on the proposed lease sale, as well as updates on the best interest finding process, is available on the Division of Oil and Gas website.

Oil and Gas Exploration Licensing

An exploration-licensing program has been initiated by the State in order to stimulate exploration in Alaska's unexplored large sedimentary basins. The Bristol Bay Basin Exploration License No. 1 was recently issued and is pending acceptance by the proponent.

(http://www.dog.dnr.state.ak.us/oil/products/publications/bristolbay/bristol_bay.htm)

The exploration licensing program is designed to complement the oil and gas leasing program. . If the state determines that issuing a license is in the state's best interests, a license is awarded to the applicant who has committed the most dollars to an exploration program. There is a \$1.00 per acre licensing fee with no additional charges during the term of the license, which can be for a period up to 10 years. If the work commitment is met, any portion of the licensed area may be converted to an oil and gas lease, with terms extending beyond those of the license.

The licensing process is an annual process, initiated by applicants during the month of April each year; or at the Commissioner's discretion, a notice requesting submittal of proposals may be issued at any time. Additional information on the Exploration Licensing program is available on the DNR website.

Additional information on the State's Oil and Gas programs can be found on the Division's web pages located at <http://www.dog.dnr.state.ak.us/oil/>

Mining

The highly productive Tintina Gold Belt, an area also important for its future mineral production potential, extends into the Bay Area RMP planning area. At this time there is one significant producing platinum placer mine south of Goodnews Bay and one significant large hard rock mine being considered for development north of Iliamna Lake, as well as numerous significant mineral prospects, placer districts and coalfields located within the planning area. Because these mineralized areas present logistical challenges, the State requests that access for transportation and utility infrastructure to these mineralized areas be given serious consideration. Planning for BLM lands (including State-selected lands) located near or adjacent to these mineralized areas should take into consideration the need for flexibility in planning for access and supporting infrastructure based on land ownership and physical characteristics of the terrain. The State also requests that BLM consider the potential need for the establishment of mineral exploration camps and cross-country winter travel of equipment on lands within the planning area.

There are a number of significant mineral deposits and mineral districts within, or adjacent to, the region included in the Bay Area Resource Management Plan. These include:

- Goodnews Bay Platinum District– Major placer Pt district and operating placer mine estimated to have produced over 550,000 oz refined PGE metals from 1934 to 1976; one of the largest known PGE metal resources in United States. Possible resources of 60

million cubic yards of deep, PGE-bearing gravels remain. Lode source believed to be Alaskan-type zoned ultramafic complex of Jurassic or Cretaceous age.

- Pebble Gold-Copper – Cu-Au porphyry currently being considered for development by Northern Dynasty Minerals with an identified resource of 3 billion tons grading 0.27% Cu, 0.0088 oz / ton Au, and 0.015% Mo. The 2003 resource estimate was 26.5 million ounces of gold and 16.5 billion pounds of copper, making this the world's third largest Cu-Au porphyry deposit. Mineralized system extends over 35 square mile area and includes other Cu-Au-Mo porphyry, Cu-Au skarn, and Au vein prospects. Due to the probable development of this prospect, this area has experienced a "claim staking" boom over the past two years. Mining claims around this prospect area now cover over 715 square miles or 457,600 acres of area. This is now the most significant mining claim area in the State of Alaska. The Pebble property near Iliamna was also Alaska's largest exploration project in 2003. Northern Dynasty Mineral's Ltd., completed more than 72,000 feet of core drilling on this copper-gold porphyry project to confirm, delineate, and extend higher-grade areas of the Pebble deposit. Drilling in 2003 significantly expanded the higher-grade reserves at Pebble. Ore delineation drilling continued in 2004 and Northern Dynasty initiated baseline environmental studies in preparation for potential initiation of large mine development application process.
- Kasana Creek – Major stratiform Cu-Pb-Zn and skarn-sulfide deposits of Mesozoic age in mafic, volcanic, and sedimentary rocks; reported reserves of over 10 million tons that grade more than 1% Cu.
- Sleitat Mountain – High grade east-west-trending, Sn-W-Ag topaz-quartz greisen system hosted in 59-million-year-old granite and in hornfels. Zone up to 3,000-feet long and 500-feet wide. One drill hole showed 85-feet of 1.8% Sn, and 0.4% W. Inferred resources are 64,000 to 106,000 tons Sn in 29 million tons ore.
- Kemuk Mountain – Magmatic Fe-Ti deposit hosted in Cretaceous(?) pyroxenite. Inferred reserves of 2.4 billion tons that average 15 to 17% Fe, 2 to 3% TiO₂, and 0.16% P₂O₅.
- Johnson River – (Located adjacent to the planning area) - Epigenetic(?) quartz-sulfide stockwork or massive sulfide deposit hosted in volcanoclastic, pyroclastic, and volcanic rocks of Jurassic Talkeetna Formation. Deposit has drilled out reserves; at a \$45 / ton cutoff with no cut out of high Au assays; are 1,099,580 tons grading 0.32 oz / ton Au, 0.24 oz / ton Ag, 0.76% Cu, 1.17% Pb, and 8.37% Zn.
- Shotgun – (Located to north of the planning area, but may require access through the planning area) – Quartz stockwork and breccia Au-Cu-As mineralization in late Cretaceous rhyolite (granite porphyry) stock. A preliminary, inferred Au resource of 980,000 oz (36.11 million tons at an average grade of 0.027 oz / ton Au) at a 0.016 oz / ton Au cut-off grade, with initial metallurgical tests indicating >90% Au recovery by cyanide leaching.
- Fog Lake – Au-Cu-Ag epithermal veins in altered quartz porphyry stock intruding felsic volcanic rocks over a zone 2,000-feet by 1,000-feet.

- BHP Minerals International Exploration Inc.'s Iliamna Project is located approximately 60 miles southeast of the Shotgun Gold prospect and west of Lake Iliamna. The Iliamna Project is held by unpatented lode mining claims and covers one of three major geophysical anomalies. The magnetic geophysical anomaly on the Iliamna Project is part of a defined system that stretches over more than 200 square miles. Geophysical and geological surveys conducted in recent years by the USGS should be reviewed and the potential for large porphyry Cu-Au-Mo deposits should be taken into consideration when developing management plans for BLM and State-selected lands in this region covered by the Bay Area Resource Management Plan.

Additional information regarding mineralized areas can be obtained from the Division of Geological and Geophysical Surveys (DGGs) in Fairbanks. The DGGs website has an extensive on-line publications section. (<http://www.dggs.dnr.state.ak.us/pubs/pubs.jsp>)

Attachments

Map: Proposed Access Corridors with Significant Subsurface Mineral Resource Areas.

Map: Generalized Geologic Map of Alaska, (pdf)

Data: Zipped shape files for Generalized Geologic Map of Alaska.

Map: Map of Prospective Mineral Areas and Significant Mineral Resources, 1999.

Map: Map of Alaska's Coal Resources, 1986. (SR37-SH1.SID)

Map: Oil and Gas Basins Map of Alaska, 1983. (SR-32_SH1.SID)

Map: Map of Selected Mines, Reserves and Resources in Alaska, 1992.
(PDF92-16-SH1.SID)

Map: General Land Status with Mineral Resources & Mining Claims and Historical Transportation Routes, Southwest, Alaska. 2004. (LandSWMining.pdf)

Publication: Alaska's Mineral Industry Report, DNR, DGGs, DECED

Publication: Information Circular 11, Publications Catalog of Geological and Geophysical Surveys, Fourth Edition 1996 with Addenda, 1996-1999, and 2003.

Leasable Minerals (Coal)

It should be noted that the Governor of any state with an approved regulatory program may request that the Secretary of the Department of the Interior enter into a cooperative agreement to grant the State the authority to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA) on federal lands. At present, Alaska has no such agreement in place. However, should coal operations be developed on federal lands in this area such an agreement would likely be developed between the Office of Surface Mining (OSM) and the State. The agreement would set out the respective roles of the State and Interior relative to regulation of mining operations on federal lands (Ref: 30 CFR 745). Management and administration of the leased estate remains with the Secretary per 30 CFR 745. (Ref: AS 27.21.010)

Attachment:

Map of Alaska's Coal Resources - Special Report 37, Department of Natural Resources, Division of Mining and Geologic and Geophysical Services in Cooperation with the Alaska Coal Association, 1986.

SURFACE USE:**Recreational Use**

The State's primary recreational interest in BLM lands, and/or state-selected BLM lands, is continued recreational access; both motorized and non-motorized. Equally important is management of these lands so that land and resources are accessed responsibly by the public and responsibly used. We request that BLM consider management strategies that facilitate proper waste disposal by recreational users including hunters and boaters. The State's goals and objectives relative to recreation can be found in the Statewide Comprehensive Outdoor Recreation Plan included on the attached CD for your reference. The publication Generally Allowed Uses on State Land should be considered in developing management recommendations for state-selected lands.

Attachment: Alaska Recreation Trails Plan (2000)
Statewide Comprehensive Outdoor Recreation Plan
Fact Sheet: Alaska Heritage Trails Program (heritage_trails.pdf)

Off Highway Vehicle (OHV)

The public lands of the study area receive intensive off road vehicle use. Access to most of the planning area of the region is by off road vehicles through an extensive trail system. The state is very concerned about protecting continued access to state-owned land and water. However, BLM should also consider management options that protect federal land from significant impacts from OHV use in sensitive areas. We encourage the Bureau to work with the Alaska Department of Fish and Game and Department of Natural Resources to determine traditional routes of access and protect sensitive areas.

OHV Use on State Lands is governed by the "Generally Allowed Uses on State Lands" as set forth in 11 AAC 96.020 and is further conditioned in "Conditions for Generally Allowed Uses" as specified in 11 AAC 96.025. The State requests that OHV use on State selected lands be managed consistent with these existing regulations.

11 AAC 96.020:

"Using a highway vehicle with a curb weight of up to 10,000 pounds, including a four-wheel-drive vehicle and a pickup truck, **or using a recreational-type vehicle** off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, including a snowmobile and four-wheeler, on or off an established road easement, if use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion. An authorization is required from ADF&G for any motorized travel in fish bearing streams. (Curb weight means the weight of a vehicle with a full tank of fuel and all fluids topped off, but with no one sitting inside or on the vehicle and no cargo loaded. Most highway rated sport utility vehicles are within the weight limit as are most ATVs, including a basic Argo.)"

11 AAC 96.025

Conditions for Generally Allowed Uses (11 AAC 96.025) state that a generally allowed use is SUBJECT TO the following conditions:

1. Activities employing wheeled or tracked vehicles must be conducted in a manner that minimizes surface damage.
2. Vehicles MUST USE EXISTING ROADS AND TRAILS whenever possible.
3. Activities must be conducted in a manner that minimizes:
 - a. Disturbance of vegetation, soil stability, or drainage systems;
 - b. Changing the character of, polluting, or introducing silt and sediment into streams, lakes, ponds, water holes, seeps, and marshes; and
 - c. Disturbance of fish and wildlife resources;

Specific regulations for Legislatively Designated Areas such as State Parks, State Marine Parks, State Recreation Areas, Critical Habitat Areas, and State Refuges may be more restrictive and are addressed in the management plans or enabling legislation for each area. Some areas of state lands identified by the Board of Game have vehicular use restrictions for the harvest of fish and game. These areas are generally described in the Alaska Hunting Regulations by Game Management Unit and can be found at the following link.

Link: http://www.wildlife.alaska.gov/regulations/pdfs/regulations_complete.pdf

Attachments: Generally Allowed Uses on State Land and Conditions of Use
Correspondence: Sally Gibert to Bill Overbaugh, BLM September 19, 2000,
Consolidated state comments on National off-highway vehicle strategy.

Special Uses

Helicopter Operations, Commercial Recreation, Motorized Use

The Department of Natural Resources may establish Special Use Areas to regulate commercial helicopter operations on state land, regulate commercial recreation activities on state land or to create and manage non-motorized areas. For instance, the State is considering formulation of a Special Use Area at Cape Seniavin to assist in protecting the marine mammals that frequent the haulout. Special Use Designations (SUD) establish use criteria, standards and permit requirements for certain types of activities as well as define permissible dates for various types of activities. DNR requests that BLM consult with the state prior to developing policies regarding helicopter use, off highway vehicle use, and/or commercial recreation use on state selected lands in the Bay Area planning area.

Forestry

Forestry issues within this planning area generally focus on fire management. The planning area is located within the Southwest District of DNR Division of Forestry's Mat-Su Southwest Area. DNR Division of Forestry has suppression responsibility on all lands within this planning area.

The state requests that fire management planning decisions for BLM lands be made through the existing process detailed in the Alaska Interagency Wildland Fire Management Plan (AIWFMP). The state further requests that all fire management requests for active fires on BLM lands be made through the existing process: BLM Anchorage District Fire Management Officer to SOA Southwest District Fire Management Officer. Of particular importance to the State is the need for updated fire planning to address the significant impacts of the spruce bark beetle infestation along the eastern shore of Lake Iliamna, including the area surrounding the village of Kakhonak. Updated vegetation mapping for the purposes of identifying fire fuels would be beneficial in this planning exercise. The Division of Forestry recommends an update of interagency fire planning, taking into account:

- evacuation routes
- safe zones for the public
- update of fuels (vegetation mapping)
- public education on FIREWISE - defensible space
- tourist information
- fire response
- fuels mitigation planning

The DNR Division of Forestry is interested in ensuring that appropriate access is maintained to state lands and state selected lands. In addition, if a review of detailed land status identifies areas where BLM owns the subsurface and a different entity owns the surface estate, additional comments may be forthcoming, particularly with respect to access.

Attachments:

Forest Health Protection Report, Forest Insect and Disease Conditions in Alaska – 2003.

Websites:

Forest Practices <http://www.dnr.state.ak.us/forestry/forestpractices.htm>

Cultural Resources

When any federal “undertaking” including any action funded or authorized by the federal government with the potential to directly or indirectly affect any archaeological or historic site is planned, a consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act must be initiated. If archaeological or historic sites are identified in the project area their significance should be evaluated to determine their eligibility for inclusion in the National Register of Historic Places (36 CFR 60). In the event that archaeological or historical sites are identified through this planning process, the state requests that the State Historic Preservation Officer be notified. It should also be noted that the state may request that recreational or commercial uses be precluded in order to protect archaeological and historic sites.

The coast and major drainages of the Bristol Bay Region contain rich archaeological sites minimally spanning the last 9,000 years. Despite a history of periodic archaeological investigation beginning with the Smithsonian in the 1920s, our current understanding of the region’s complex prehistoric culture history is based largely on work by the University of Oregon over the last two decades. In late prehistory, relatively large settlements with an elaborate material culture were able to develop due to a stable resource base of sea mammals and salmon. Prehistoric settlements are often at risk from impacts from modern development and mining activities.

Our knowledge of the early history of the Bristol Bay Region is based largely on substantive work done by the late James VanStone during the 1960s and 1970s. The written record in the region began with the arrival of early 19th Century Russian explorers in the employment of the Russian American Company. Euro-American interactions with local Native groups during both the Russian and American periods initiated profound cultural and demographic changes due to missionization, trade dependencies, and epidemics. The later history of Bristol Bay is dominated by the development of commercial fishing and canneries. Historic villages as well as later sites, such as canneries, are often at risk from impacts from modern development and mining activities.

It is important to remember that only a small percentage of all land in Alaska has ever been archaeologically surveyed. An absence of reported sites within a project area therefore, does not mean that there are no cultural resources present. It may be due to a lack of previous survey.

OTHER ISSUES:

Withdrawals

The State asks that all federal withdrawals be identified and mapped, and the purpose for each withdrawal be noted either in annotation or the map legend. It has been suggested that the RMP planning effort presents an appropriate opportunity for BLM to review all PLOs and withdrawals and remove those where the intended purposes are no longer present, particularly in those areas where resource development could potentially occur.

Land Exchanges

While there may be some opportunities for land exchanges to create consistent ownership and management patterns, it has been our experience that exchanges generally have a low success rate and require significant financial and staff resources to implement. At this time exchanges are not likely to be a high priority for the state.

Attachment:

Fact Sheet: State Land Exchanges (land_exch.pdf)

State Land Sales

State Land Sales are generally focused in areas identified in DNR Area Plans for Settlement. The state has several types of disposal programs. At present two programs are being utilized. The first is a land sale program that initially makes state land available for sale through auction and then, if not sold, parcels become available over the counter for public purchase by Alaska residents. Remote recreational cabin sites are also available through a staking program. Details on these programs can be found on the web at <http://www.dnr.state.ak.us/mlw/landsale/index.htm>.

Attachments:

Fact Sheet: Land for Alaskans

Fact Sheet: Remote Recreational Cabin Sites (remote_cabins.pdf)

Website: Over the Counter Sales (<http://www.dnr.state.ak.us/mlw/landsale/otc/index.cfm>)

SUMMARY:

In conclusion, the following key issues have been identified by many of the departments and programs offering input and information for this planning process. This is not to diminish the importance of the many suggestions and concerns articulated through this letter but rather to briefly summarize the most commonly expressed issues.

- State and native selections should be identified in the plan.
- DNR Area Plans establish management intent for state-selected lands. The State requests that BLM adopt the management intent for state-selected lands from the area plans for these areas.

- If there are any BLM lands adjacent to state land that are not state-selected, appropriate access should be maintained through these areas.
- Reasonable consistency or compatibility in terms of management will minimize user conflicts and confusion.
- If detailed land status identifies any areas where BLM owns the subsurface estate and a different entity owns the surface estate, we would like to know where these areas are before making final comments, particularly with respect to access.
- The State requests that BLM recognize existing state authorities relative to fish and wildlife management.
- The State requests that BLM recognize the State's need to facilitate resource development and utilize the state's land base for multiple-use.
- The State requests that BLM be aware of changes in the Coastal Zone Management Program.

The State appreciates the opportunity to offer initial scoping comments for the Bay Area Resource Management Plan/Environmental Impact Statement. The State appreciates the BLM Planning Team's ongoing efforts to ensure close and consistent coordination throughout all phases of the planning process in order to address questions and facilitate resolution of issues as early as possible.

Thank you again for the opportunity to comment. Should you have any questions or concerns, please feel free to contact me at your earliest convenience.

Sincerely,

/ss/

Carol Fries
State RMP Project Coordinator

Attachments:

Hard Copy

Fact Sheet: Generally Allowed Uses on State Land, DNR
Fact Sheet: State of Alaska Legislatively Designated Areas, DNR
Select State Tools for Managing State Land/Water and Related Public Activities
Involving Fish and Wildlife Resources, January 2004, Draft #6
Correspondence, Gail Norton, April 11, 2003.
Correspondence, Murkowski, March 25, 2004.
Correspondence, Gibert, September 19, 2000.

CD ROM: bay_stscoping (Directory Structure in bold)

bay_statemgmt

Alaska's Coastal Zone and Coastal District Boundaries (dgc1a.pdf)
Alaska Coastal Zone Management Program Special Area Plans (dgc4f.pdf)
Coastal Zone Boundary Definitions (Dist_Cstl_Zone_Defs.pdf)
Generally Allowed Uses on State Land (gen_allow_use.pdf)
Select State Tools for Managing State Land/Water and Related Public Activities
Involving Fish and Wildlife Resources, January 2004, Draft #6 (State Tools
#6.pdf)

State of Alaska Legislatively Designated Areas Index Map (lda1040.pdf)
 State of Alaska Legislatively Designated Areas (ldafct97.pdf)
 Fact Sheet: Recordable Disclaimer of Interest: Alaska's Navigable Waters
 (recordable_disclaimer.pdf)
 Bristol Bay Easement Atlas (Bristol_Bay_Easement_Atlas.pdf)
 Bristol Bay Area Plan for State Lands, Public Review Draft
 (bbap_prd_complete.pdf)
 Nushagak & Mulchatna Rivers Recreation Management Plan (2004 Revision),
 Public Review Draft (nmrrmp_prd_complete.pdf)
 Wood-Tikchik State Park Management Plan, October 2002 (wtplan4mb.pdf)
 Southwest Alaska Rainbow Management Policies (r%5Emgmt.pdf)

bay_access

Vision 2020 Statewide Transportation Policy Plan (2020sectionone.pdf)
 transportationplans
 Southwest Alaska Transportation Plan *Revised* (SWrev....pdf, 3 files)
 Yukon-Kuskokwim Delta Transportation Plan (YKDelta_Plan_final.pdf)
 State of Alaska RS2477 Trails (rs2milo1_1.pdf)
 Proposed Access Corridors with Significant Subsurface Mineral Resource Areas
 (corr_lode_2r.pdf)
 Corridor Priorities for State Ownership, State Land Selection Project. 1994.
 (corr0395.pdf)
 General Land Status with Mineral Resources & Mining Claims and Historical
 Transportation Routes, Southcentral, Alaska. 2001. (minrssc8.pdf)
 Fact Sheet: Alaska Heritage Trails Program (heritage_trails.pdf)
 Consolidated State Comments on National OHV Strategy, Correspondence,
 DGC, 9/19/2000 (ohv_strategy_DGC.pdf)

bay_subsurface {You will need to download and install Mr. SID Viewer}

Map of Selected Mines, Coalfields and Significant Mineral Resources of Alaska
 (mp33-SH01.SID)
 Map of Prospective Mineral Areas and Significant Mineral Resources of Alaska
 (MP38-SH01.SID)
 Map of Selected Mines, Reserves, and Resources in Alaska
 (PDF92-16-SH1.SID)
 Oil and Gas Basins Map of Alaska ((SR-32-SH1.SID)
 Map of Alaska's Coal Resources (SR37-SH1.SID)
 Generalized Geologic Map of Alaska (akgeomap2000.pdf)
 Data: Zipped shape files for Generalized Geologic Map of Alaska
 Proposed Access Corridors with Significant Subsurface Mineral Resource Areas
 (corr_lode_2r.pdf)
 Alaska's Mineral Industry 2003: A Summary (IC50.pdf)
 General Land Status with Mineral Resources & Mining Claims and Historical
 Transportation Routes, Southwest, Alaska. 2004. (LandSWMining.pdf)
 Information Circular 11, Publications Catalog of Geological and Geophysical
 Surveys, Fourth Edition 1996 with Addenda, 1996-1999, and 2003.
 (IC11.PDF, IC11Addenda.pdf, and IC11PDFAdenda.pdf)
 State of Alaska, Five-Year Oil and Gas Leasing Program, January 2005
 (5yr_program_2005.pdf)

Guide to Alaska Geologic and Mineral Information 2004, DGGS (IC44.PDF)

bay_surface

Generally Allowed Uses on State Land (gen_allow_use.pdf)

Alaska's Outdoor legacy, Statewide Comprehensive Outdoor Recreation Plan

Alaska's Outdoor Legacy 2004-2009 (2004scorpweb.pdf)

Fact Sheet: Remote Recreational Cabin Sites (remote_cabins.pdf)

Fact Sheet: Remote Recreational Cabin Sites Staking Program and the Appraisal
Process (remote_site_appraisals.pdf)

Fact Sheet: State Land Exchanges (land_exch.pdf)

Fact Sheet: Land for Alaskans (land_for_ak.pdf)

Alaska Recreational Trails Plan, October 2000 (trlplan.pdf)

Overview of Priorities for Ownership 8/29/95 (opl5_st.pdf)

General Land Status with Ownership Priority, 2000 (glsopl.pdf)

Forest Health Protection Report– 2003. (2003_fhp_CONDRPT_web_final.pdf)